

Entered - 04/23/01 - sb
CL 01L0252 - GWENDOLYN BURNS

CLAIM OF: RODRICK KELLOGG and
PRISCILLA LYNN SMITH
400 Fairburn Road, #H-66
Atlanta, Georgia 30331


01-R-0794

For damages alleged to have been sustained as a result of a vehicular accident on January 4, 2001 at Bromack Drive and Browns Mill Road.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **RODRICK KELLOGG and PRISCILLA LYNN SMITH** the sum of **\$1,881.97** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for **damages alleged to have been sustained as a result of a vehicular accident on January 4, 2001 at Bromack Drive and Browns Mill Road** as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0252

Date: May 16, 2001

Claimant /Victim RODRICK KELLOGG and PRISCILLA L. SMITH
BY: (Atty) (Ins. Co.) _____
Address: 400 Fairburn Road, SW #H-66, Atlanta, Georgia 30331
Subrogation: _____ Claim for Property damage \$ 2,106.37 Bodily Injury \$ _____
Date of Notice: 4/13/01 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 1/4/01 Place: Bromack Drive & Browns Mill Road
Department PUBLIC WORKS Division SANITATION
Employee involved Donald E. Daniel Disciplinary Action: Written counseling & defensive driving class

NATURE OF CLAIM: Claimant's vehicle sustained damage when it was backed into by a city sanitation vehicle.
The city driver was cited for "improper backing".

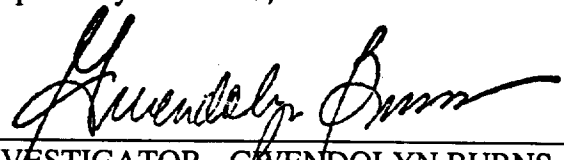
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police X Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

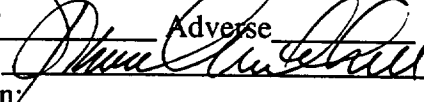
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X
City not involved _____ Offer rejected _____ Compromise settlement X
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 1,881.97 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 05-16-01
Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK

City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 4/16/01

BURNS
04/19/01
DM

Dear Municipal Clerk:

ENTERED - 4-23-01 - SB

01L0252 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 2106.37 property and/or \$ -0- bodily injury for which I contend the City is liable.

1. Date of incident: 1/4/01 2. Time of Incident: 12:45 approximately 3. Police called: ✓
(month/day/year) Yes No

4. Location of incident (including street address): Bromock St.

5. Name of your insurance company: Reliance Insurance Policy No. _____

6. State what and how incident occurred: We were sitting at the shop sign when the Driver of the dump truck backed up into me. He proceeded to back into me continuously.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: Nissan Pathfinder 1994 816LZC Rodrick Kellogg
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: Dump Truck
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: Mondarius Kendrick (404) 624-5300
(Name) (Address) (Telephone Number)
work

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Rodrick Kellogg
Signature of Claimant

Rodrick Kellogg
(Print Claimant's Name)

400 Fairburn Rd #H-66
(Address)

Atlanta GA 30331
(City, State and Zip Code)

(404) 626-2812 (404) 691-9360
(Work Number) (Home Number)

GENERAL RELEASE AND INDEMNIFICATIONCLAIM NUMBER 01L0252\$ 1,881.97

IN CONSIDERATION of the sum of ONE THOUSAND EIGHT HUNDRED EIGHTY-ONE DOLLARS AND 97/100 DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City, its officers and employees, including but not limited to Donald E. Daniel from any and all claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly for or on account of a vehicular accident which occurred on or about the 4th day of January, 2001, at or near Bromack Drive & Browns Mill Road, SE

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this

10th day of May, 20 01Rodrick Kellogg (LS)
Rodrick KelloggPriscilla Lynn Smith (LS)
Priscilla Lynn Smith

The above release was read and explained to, and signed by the said Rodrick Kellogg and Priscilla Lynn Smith in our presence on the date above written.

Belicia Ward
Belicia Ward
WITNESSES

01-R-0794